

IN THE STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

WPS ENERGY SERVICES, INC.	:	
	:	
APPLICATION FOR CERTIFICATE OF	:	Docket No. 00-0199
SERVICE AUTHORITY UNDER SECTION	:	(Reopened)
16-115 OF THE PUBLIC UTILITIES ACT	:	

REPLY OF WPS ENERGY SERVICES, INC., TO THE RESPONSE  
OF THE STAFF AND LOCALS 15, 51 AND 702 IBEW

Comes now, WPS Energy Services, Inc., (“WPS-ESI”) by its attorneys, Lueders, Robertson & Konzen, and for its reply to the response of the Illinois Commerce Commission Staff (“Staff”) and Locals 15, 51 and 702 IBEW (“IBEW”), state as follows:

1. The reply to the response of the Staff is made in the form of the Affidavit of Mr. Chris Matthiesen, Director of Energy Consulting at WPS Energy Services, Inc., attached hereto as Attachment A and incorporated herein by reference.

2. In further reply to the Staff, WPS-ESI respectfully points out that as fundamental component of Staff’s criticism is based upon allegations that WPS-ESI has failed to provide sufficient supporting information for its positions. Specifically, the Staff is critical of WPS-ESI because it failed to provide the complete results of an informal survey conducted by representatives of WPS-ESI after they became aware of Staff’s revised position in this proceeding. Until the filing made by Staff on March 23, 2001, WPS-ESI was unaware that the Staff had reversed its prior position in this matter. It was WPS-ESI’s understanding and belief Staff’s position was that power and energy could not be reasonably and economically delivered by Illinois utilities to Wisconsin Public Service Company’s (“WPSC”) retail customers. WPS-ESI, in spite of its objections to the schedule established by the Illinois Commerce Commission (“Commission”) in this proceeding, was given a total of 48 hours to

reply to Staff whose filing was made with the Commission at approximately 4:00 p.m. on the 23<sup>rd</sup> of March. The inability of WPS-ESI to provide a response satisfactory to the Staff is due, almost exclusively, to the unreasonable and arbitrary schedule approved by the Commission. Had WPS-ESI been given more time, it could have conducted a formal survey and provided detailed results to the Staff.

3. The IBEW “Response” is not in fact a response to the Staff report, but rather an argument about interpretation of Section 16-115(d)(5) of the Public Utilities Act (220 ILCS 5/16-115(d)(5)) and, therefore, its reply should be disregarded. To the extent the Commission entertains the response of the IBEW, said response is without merit.

The IBEW misunderstands or misapprehends Section 16-115(d)(5) in that in paragraph 2 it misquotes and misunderstands the language of Section 16-115(d)(5). It quotes a portion of Section 16-115(d)(5) by inserting the word “or” between the words “physically” and “economically” in that Section. The phrase correctly reads “physically and economically”. In addition, the IBEW apparently believes that WPS-ESI is required to show that the “geographic area” in which it presently provides service is one “to which electric power and energy can be physically and economically delivered” by Illinois utilities. First, as the record in this proceeding shows, WPS Energy Services, Inc., is an energy services company providing energy services within the State of Illinois. It does not own transmission and distribution facilities to which power and energy can be delivered by Illinois utilities. Second, WPS-ESI is an affiliate of WPSC which serves retail customers in a defined geographic region in the State of Wisconsin. WPS-ESI, as an applicant for a certificate of service under Section 16-115, merely has to certify that power and energy cannot be physically and economically delivered by an Illinois utility, in whose service area or areas WPS-ESI proposes to provide service, to retail customers within the service territory of WPSC or, in the alternative, that WPSC will offer delivery

service to Illinois utilities.

### CONCLUSION

WPS Energy Services, Inc's certificate of service authority should not be revoked or modified in this proceeding.

Respectfully submitted,

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Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
Granite City, IL 62040  
618-876-8500  
618-876-4534  
[erobertson@lrklaw.com](mailto:erobertson@lrklaw.com)

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NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on this 2<sup>nd</sup> day of April, we have electronically filed with the Illinois Commerce Commission, WPS Energy Services' Reply to Response of Staff and Locals 15, 51 and 702 IBEW, along with Proof of Service thereon attached.

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Eric Robertson  
Edward C. Fitzhenry  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

PROOF OF SERVICE

STATE OF ILLINOIS       :  
                                      :  
COUNTY OF MADISON    :

SS

I, Eric Robertson, being an attorney admitted to practice in the State of Illinois and one of the attorneys for WPS Energy Services, Inc., herewith certify that I did on the 2<sup>nd</sup> day of April, 2001, electronically file with the Illinois Commerce Commission, WPS Energy Services' Reply to Response of Staff and Locals 15, 51 and 702 IBEW, and serve upon the persons identified on the attached service list, both electronically and by depositing same in the United States Mail, in Granite City, Illinois with postage fully prepaid thereon.

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Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this 2nd day of April, 2001.

\_\_\_\_\_  
Notary Public

WPS ENERGY SERVICES  
ICC Docket No. 00-0199  
SERVICE LIST

Larry Jones, Hearing Examiner  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[ljones@icc.state.il.us](mailto:ljones@icc.state.il.us)

Gerard Fox, James Hinchliff  
Peoples Energy Services Corporation  
130 E. Randolph Drive  
23<sup>rd</sup> Floor  
Chicago, IL 60601  
[gtfox@pecorp.com](mailto:gtfox@pecorp.com)  
[j.hinchliff@pecorp.com](mailto:j.hinchliff@pecorp.com)

Christopher W. Zibart  
Heather Jackson  
Foley & Lardner  
Three First National Plaza  
Chicago, IL 60602-4205  
312-558-6538 (F)  
[czibart@hopsut.com](mailto:czibart@hopsut.com)

Daniel D. McDevitt  
Gardner, Carton & Douglas  
321 North Clark Street  
Suite 3400  
Chicago, IL 60610  
312-644-1986 (F)  
[dmcdevitt@gcd.com](mailto:dmcdevitt@gcd.com)

Glenn Rippie  
Foley & Lardner  
Three First National Plaza  
Suite 4100  
Chicago, IL 60602  
[grippie@foleylaw.com](mailto:grippie@foleylaw.com)

Chris Matthiesen  
WPS Energy Services, Inc.  
677 Baeten Rd.  
Green Bay, WI 54304  
[mradtke@WPS-ESIenergy.com](mailto:mradtke@WPS-ESIenergy.com)

Joseph Clennon  
Illinois Commerce Commission  
527 East Capitol Avenue  
P. O. Box 19280  
Springfield, IL 62794  
[jclennon@icc.state.il.us](mailto:jclennon@icc.state.il.us)

Linda Buell & Janis Von Qualen  
Office of General Counsel  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield, IL 62701  
[lbuell@icc.state.il.us](mailto:lbuell@icc.state.il.us)  
[jvonqual@icc.state.il.us](mailto:jvonqual@icc.state.il.us)

David Fein & Chris Townsend  
Piper Marbury Rudnick & Wolfe  
203 North LaSalle Street, Suite 1800  
Chicago, IL 60601-1293  
[david.fein@piperrudnick.com](mailto:david.fein@piperrudnick.com)  
[chris.townsend@piperrudnick.com](mailto:chris.townsend@piperrudnick.com)

Steve Hickey  
Illinois Commerce Commission  
527 E. Capital Avenue  
Springfield, IL 62794  
[shickey@icc.state.il.us](mailto:shickey@icc.state.il.us)

Christopher T Hexter & Charles Werner  
Atty. For Locals 15 and 51, IBEW  
Schuchat, Cook & Werner  
1221 Locust St., 2nd Fl.  
St. Louis, MO 63103  
[cth@schuchatcw.com](mailto:cth@schuchatcw.com)  
[caw@schuchatcw.com](mailto:caw@schuchatcw.com)

Michelle Mishoe  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601-3104  
[mmishoe@icc.state.il.us](mailto:mmishoe@icc.state.il.us)

John Obermiller  
Vice President of Operations  
Blackhawk Energy Services  
N16 W23217 Stone Ridge Dr., Ste. 250  
Waukesha, WI 53188  
[jobermiller@kaztex.com](mailto:jobermiller@kaztex.com)

Katie Papadimitriou  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601  
[kpapdim@icc.state.il.us](mailto:kpapdim@icc.state.il.us)

Mark Radtke  
President  
Wps Energy Services, Inc.  
677 Baeten Rd.  
Green Bay, WI 54304  
[mradtke@WPS-ESIenergy.com](mailto:mradtke@WPS-ESIenergy.com)

David F. Vite  
President & CEO  
Illinois Retail Merchants Association  
19 S. LaSalle St., Ste. 300  
Chicago, IL 60603  
[dvite@irma.org](mailto:dvite@irma.org)

Jeffrey Ferry  
Illinois Energy Association  
509 Myers Building  
1 West Old State Capitol Plaza  
Springfield, IL 62701  
[jferryiea@fgi.net](mailto:jferryiea@fgi.net)

Rep. Kurt Granberg  
Illinois House of Representatives  
200 Capitol Building  
Springfield, IL 62706

Senator Denny Jacobs  
Illinois State Senate  
M-103C Capitol Building  
Springfield, IL 62706

Robert Kelter  
Citizens Utility Board  
208 S. LaSalle - Ste. 1760  
Chicago, IL 60604

[rkleter@cuboard.org](mailto:rkleter@cuboard.org)

Rep. Philip Novak  
Illinois House of Representatives  
2064-L Stratton Building  
Springfield, IL 62706

Rep. Vincent Persico  
Illinois House of Representatives  
2126-O Stratton Building  
Springfield, IL 62706

Rep. Steven Rauschenberger  
Illinois State Senate  
1112 South Street  
Elgin, IL 60123

